UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/691
23 August 1996

ORIGINAL: ENGLISH

FURTHER REPORT ON THE SITUATION OF HUMAN RIGHTS IN CROATIA PURSUANT TO SECURITY COUNCIL RESOLUTION 1019 (1995)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1019 (1995) of 9 November 1995 and the presidential statement of 3 July 1996 (S/PRST/1996/29), in which the Council, inter alia, requested the Secretary-General to keep it informed on the progress of measures undertaken by the Government of the Republic of Croatia to implement Security Council resolutions 1009 (1995) and 1019 (1995). Those resolutions were adopted following Croatia's military operations of May and August 1995, by which the Government regained control of formerly Serb-controlled areas of its territory, located in Western Slavonia and the Krajina region, which had been designated United Nations Protected Areas (UNPAs) and were known as Sectors West, North and South. In those resolutions, the Council demanded, inter alia, that the Government of the Republic of Croatia respect fully the rights of the local Serb population in the former Sectors, including the right to remain, leave or return in safety, take urgent measures to put an end to all violations of international humanitarian law and human rights in the areas and investigate all reports of such violations so that those responsible for such acts could be judged and punished.

2. In its presidential statement of 3 July 1996, the Security Council, while noting Croatia's cooperation with international human rights mechanisms and its consideration of various initiatives for the protection of minority rights, reiterated its deep concern at the failure by the Government of Croatia to take sufficient measures to safeguard the rights of the local Serb population and to ensure their safety and well-being and strongly deplored such failure to act. The Council further urged the Government of Croatia to take steps forthwith to comply with the demands contained in its resolution 1019 (1995) and in its statements of 8 January 1996 (S/PRST/1996/2), 23 February 1996 (S/PRST/1996/8) and 22 May 1996 (S/PRST/1996/26) and requested the Secretary-General to keep it regularly informed of the progress of measures taken by the Government of Croatia and to report to it no later than 1 September 1996.

3. My last report on this subject was submitted on 21 June 1996 (S/1996/456). The present report considers further developments up to the beginning of August 1996. The information contained herein, compiled by the field operation of the United Nations High Commissioner for Human Rights in the former Yugoslavia, comes from a variety of sources, including the European Community Monitoring Mission (ECMM), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). The report also makes reference to material provided by the Government of Croatia, including the "Report by the Government of the Republic of Croatia on the implementation of Security Council resolution 1019 (1995)", dated 10 June 1996, hereafter referred to as "the report by the Government"; an aide-mémoire by the Government of Croatia dated 30 July 1996 delivered to the Office of the United Nations High Commissioner for Human Rights; and information provided by the Croatian Office for Displaced Persons and Refugees. Substantial information has also been received from local and international non-governmental human rights organizations active in Croatia (including the Croatian Helsinki Committee, Otvorene Oci ("Open Eyes"), the Dalmatian Solidarity Committee (DOS), Homo, the Committees for Human Rights in Karlovac and Pakrac, the Serbian Democratic Forum and the Anti-War Campaign, Croatia).

II. HUMAN RIGHTS VIOLATIONS AND THE RESPONSE OF THE GOVERNMENT

A. General human rights situation

4. All recent reports indicate that residents of the Krajina and Western Slavonia regions continue to suffer from inadequate security conditions and a well-founded fear that they might fall victim to theft or physical attack at any time. Croatian Serbs remain by far the most common victims of violent assault. As during the spring of 1996, the problem is especially serious in the area around Knin in former Sector South. The situation in former Sector North, while improved since my last report, continues to be a cause for concern. The situation in former Sector West is assessed to be generally better.

5. Dozens of reports of looting and harassment by uniformed military personnel and civilians have been received this summer by both international and local observers. Items typically stolen from residents range from electrical appliances, such as heaters and radios, to agricultural equipment, livestock and crops. Fixtures, including windows and fences, are reported to have been removed from unoccupied properties by persons equipped with trucks. Houses throughout the area fly Croatian flags and many bear painted messages in the Croatian language saying, for example, "Croatian house - do not touch", but these steps are often ineffective in providing protection. The Government commented in its aide-mémoire that "the rate of crime within the liberated areas [the former Sectors] is almost equal to the remaining parts of Croatia". However, international and local observers believe that a reinforced and effective police presence in the region would drastically reduce crime.

6. Recent examples of looting include a major incident on the evening of 27 June 1996 in Masnikose, former Sector South, in which armed individuals entered the town, forced some 30 elderly residents to lie on the ground, and stole cattle and more than 100 sheep. A police investigation of the case failed

to yield any results. On 14 June 1996, two sheep were reportedly taken from a resident of the village of Padjene, near Knin, by soldiers who threatened to burn the man's house if he did not cooperate. On 1 July 1996 in Mala Crkvina, unknown civilians took some livestock from a 95-year-old woman and reportedly beat her when she tried to resist. In June and July, thefts and other violence were also reported in the Plavno valley, in Kistanje, Tiskovac, Komalic, Golubic and Vrhovine in former Sector South, and in Kostajnica and Glina in former Sector North. By contrast, in the region of Biskupija, outside of Knin, looting has reportedly decreased owing to frequent police patrols. The area around Pakrac in former Sector West is reported quite secure owing to strong measures taken by the Chief of Police.

7. The climate of fear in the Krajina region has been aggravated during the summer by several incidents in which explosives have been placed on the properties of the remaining local Serb population. An elderly couple was seriously injured at Debelo Brdo, near Korenica, on 24 May 1996 by an explosive device hidden next to their front door. The husband suffered two broken legs, while his wife sustained a broken arm and serious shrapnel wounds in her chest and leg; both victims required several weeks of hospitalization. An elderly man was killed by an explosive device, which observers reported was laid in a field near his home in Pisac in late June, and a woman reportedly lost a leg because a bomb was placed at her front door between 15 and 20 July 1996 in the village of Vojnovac, near Plaski. On 14 August 1996, a 75-year-old Serb man was killed by an explosive device, which had been placed at the door to his house in Vrebac, near Gospic, in former Sector South. Meanwhile, an unoccupied house belonging to a Croatian Serb was blown up on 8 July 1996 in the village of Kosora in the Sinj municipality, former Sector South, while three houses were struck by rocket-propelled grenades in Irinovac during the first week of August. Occasional cases of arson have also been recorded in the past several months, including in the villages of Lasinjski Sjenicak and Krcevina, former Sector North, during the third week of June 1996.

8. A new disturbing development has been a spate of attacks and threats against non-governmental organizations engaged in human rights monitoring and humanitarian relief activities in the area. On the night of 22 July, the office of the Croatian non-governmental organization Homo, which has worked with OXFAM, was set on fire in Vrhovine. In late July, an explosive device was placed near the home of the President of the Croatian Helsinki Committee, an outspoken critic of human rights violations (against Croatian Serbs), on the island of Brac. Human rights workers have reported concern for their personal safety and often feeling they are being monitored by persons opposed to their activities.

9. International and local observers take the view that principal responsibility for the continuing insecurity lies with the local police, who are either unable or unwilling to take effective action against the ongoing wave of criminal activity against the Croatian Serbs. Despite the fact, for example, that in several victimized locations there is only one road providing access in and out of the communities, arrests of looters have been rare. There is no evidence to prove that any of the recent violent attacks against residents have been solved by the Croatian police, or that perpetrators have been punished. While many police officers conduct their work in a professional manner, a substantial minority does not. Indeed, in some cases, police officers are

themselves reportedly involved in criminal activity. Security in the region generally suffers from a shortage of professional and responsible police officers.

10. Deep concern at the prevailing situation in the former Sectors was expressed by the Special Rapporteur of the Commission on Human Rights in a letter addressed to the Chairman of the Commission on Human Rights on 20 August 1996. The Special Rapporteur emphasized her view that the continuing state of insecurity in the region, so long after the conclusion of last summer's military operations, would seem to indicate an unwillingness on the part of the authorities to take preventive measures.

B. Investigation and prosecution of crimes committed against the Serb population during the summer of 1995

11. In its presidential statement of 23 February 1996 (S/PRST/1996/8), the Security Council stated that it looked to the Croatian Government to pursue vigorously prosecutions against those suspected of past violations of international humanitarian law and human rights against the local Serb minority. In my last report, I referred to information contained in the 10 June 1996 report by the Government, which indicated that criminal proceedings had been instituted or final verdicts reached against an aggregate of 2,849 persons, or hundreds of crimes committed during the summer of 1995 in the former Sectors.

12. However, in my last report I noted some problems with the Government's figures, including the fact that 41 of the 231 final verdicts reportedly reached in those cases concerned charges of armed rebellion or subversive and terrorist activity - charges which generally have been brought by Croatian authorities against local Serbs. It is also unclear from the report by the Government how many final verdicts resulted in prison sentences or fines, or whether some of the defendants were set free. It may further be noted that, of a total of at least 5,000 cases of arson reported by international observers in the former Sectors following last year's "Operation Storm", the Government's report suggests that proceedings were instituted against a mere 10 persons, with final verdicts reached in two cases. Additional crimes listed in the report by the Government include forging of documents, endangering traffic safety and embezzlement, which, it may be argued, do not fall within the scope of the concern expressed by the Security Council in its presidential statement of 23 February 1996 regarding past violations of international humanitarian law and human rights against the local Serb minority. It is therefore a persistent cause of concern that many of the crimes committed last summer remain uninvestigated and unpunished by Croatian authorities.

13. With reference to murders committed in the former Sectors after last summer's military operations, recent information from the Government and other sources indicates that trials of eight persons for responsibility in the Varivode and Gosic cases, concerning, respectively, the killings of nine and seven elderly Serbs in August and September 1995, have resulted in acquittals of the accused. According to independent observers, the acquittals followed the court's findings of serious deficiencies in the investigations by the authorities and unreliable evidence against the defendants. The court

reportedly held that investigation of the crime scenes was lacking in detail and took place too long after the time the crimes were discovered. Bodies of the victims were allegedly buried and had to be exhumed for purposes of forensic examination. Defendants reported that they had been pressured and in some cases physically mistreated in attempts by the authorities to extract confessions. It is further reported that some of the defendants, who were active members of the Croatian armed forces at the time the crimes were committed, learned later they had been issued papers discharging them from military service which were backdated to a date preceding the murders.

14. In proceedings conducted concurrently with those of the Varivode and Gosic cases, however, the court convicted two individuals for other crimes committed following "Operation Storm", one a murder of a man at Zrmanja and the other an attempted murder at Ocestovo. The Government states in its aide-mémoire that three other persons have recently been convicted for murders, receiving sentences of seven, six and three years, respectively, while proceedings have begun against two other persons for a killing committed in Mukinje.

15. Concerning the murder of five elderly Serbs at Grubori on 25 August 1995, the Special Rapporteur of the Commission on Human Rights was informed by the Government on 26 June 1996 that the investigation of this crime had not yielded any results, despite the fact that license plate numbers of Croatian special police vehicles parked near the scene had been provided to the authorities by members of a United Nations human rights action team.

III. HUMANITARIAN AND ECONOMIC SITUATION

16. The Government of Croatia is pursuing the implementation of its humanitarian programme "Let's Save Lives", which has provided emergency assistance to vulnerable persons residing in the former Sectors. It is estimated that nearly 10,000 Croatian Serbs, most of them elderly people, remained in the area following "Operation Storm". Although relief provided in the weeks following the military operations was seriously inadequate, the programme now in place appears by most accounts to be effective in meeting the population's most urgent needs, including food delivery and medical care. The Croatian Red Cross has been active in this regard, and in some cases the local police are also providing humanitarian assistance. Concern has been raised, however, that the onset of winter will again place elderly residents in the region at great risk, particularly if they continue to live alone without the support of their children and other younger relatives, many of whom are now refugees in the Federal Republic of Yugoslavia and elsewhere.

17. A key factor in relief efforts has been the assistance provided by international humanitarian organizations. Among the most active groups have been UNHCR, ICRC, and the International Federation of Red Cross and Red Crescent Societies. ICRC has deployed several mobile teams, which have worked to identify the needs of persons living in more remote areas. It also supplied food to a public kitchen in Knin and distributed seeds and tools as part of an agricultural assistance programme during the spring.

18. The effectiveness of local officials in handling social welfare questions varies considerably throughout the region. Reports continue to be received of persons who encounter either hostility or simple inattention in their attempts to obtain Croatian identity documents, which are required for access to social benefits such as pensions. For example, a Croatian Serb woman was reportedly physically abused and thrown out of a municipality office in Glina, former Sector North, in early July 1996 when she attempted to obtain a signature on a document certifying her retirement. Persons from mixed marriages have faced particular difficulties owing to the widely held view that Croats who had remained in the area of the so-called "Republic of Serb Krajina" during the war were disloyal to the Republic of Croatia.

19. While Croat communities are gradually being rebuilt in the former Sectors, discrimination is being reported against Croatian Serb communities in the provision of reconstruction assistance and in the restoration of essentials such as water, public transportation services and employment. Although the entire region suffers from economic inactivity, the few jobs that become available are far more likely to be offered to Croats than to qualified Croatian Serbs.

20. In its aide-mémoire, the Government advises that it has taken steps to improve the social welfare and social security situation in the former Sectors, despite the limited financial resources available to it. The Government asserted that "domestic policies are implemented on a non-discriminatory basis, and indeed, follow International Labour Organization standards, notably those established by Convention No. 102 on Minimum Standards of Social Security".

IV. RETURN OF CROATIAN SERB REFUGEES AND DISPLACED PERSONS

21. It will be recalled that nearly 200,000 Croatian Serbs are estimated to have fled to the Federal Republic of Yugoslavia and Bosnia and Herzegovina following Croatia's military operations during the summer of 1995. In my last report, I noted that as of 10 June 1996, a total of 7,065 persons had returned to Croatia following authorization from the Croatian Office for Displaced Persons and Refugees (ODPR). According to ODPR, as of 1 August 1996 this number had risen to 9,253 out of a total of 16,000 applicants (sources in Belgrade put the figure of total applicants somewhat higher, at around 20,000 persons). Most applications for return were approved on the basis of family reunification. The Government further estimates that an additional 2,000 to 3,000 persons have returned "using other means". The Government has stressed its view that the number of authorized returns of Serbs to Croatia, which has steadily increased since the beginning of the year, should be seen in a positive light, particularly since practically no refugees or displaced persons have returned to certain areas elsewhere in the former Yugoslavia controlled by authorities of national groups which are not their own.

22. Of those who have received official authorization to return, ODPR indicates that 61 per cent are persons 60 years of age or more. The Head of ODPR advised the Zagreb office of the United Nations High Commissioner for Human Rights that short-term plans call for focusing on applications for return from relatives of elderly local Serbs still in the former Sectors who require the assistance of younger family members to lead a normal life. This approach had been advocated

by international organizations involved with return issues, particularly UNHCR and ICRC. It is important that these reunifications be facilitated before the onset of winter, when the well-being of the elderly will again be at risk. One potential obstacle to the return of young adult males is the requirement that they first undergo interrogations by Croatian authorities concerning their activities on behalf of the so-called "Republic of Serb Krajina". In the absence of broad amnesty legislation, these interrogations have caused widespread apprehension among potential returnees, as well as delays in the processing of applications.

23. ODPR acknowledges that the majority of returnees have joined relatives in parts of Croatia other than the former Sectors themselves. Indeed, the number of Croatian Serbs who have actually returned to homes in the former Sectors North and South is low, with estimates ranging from 1,000 to 1,500. Meanwhile, it is estimated that some 10,000 Croatian Serbs remained in former Sectors North, South and West after last summer's military operations. ODPR states that it expects Croatian Serb returnees to "gradually return to their property, in the course of reconstruction of the infrastructure and general improvement of the situation in the former Sectors". Some public statements by the Government have not, however, been so encouraging. In a speech before the Croatian World Congress at Brioni on 7 July 1996, President Tudjman stated that Croatia had not demanded that the Croatian Serbs leave, but most had done so because of their wish to rule in Croatia, and Croatia could not agree to their return at this time. In a speech at Knin on 5 August 1996, which was proclaimed a national holiday known as "Homeland Thanksgiving Day" in commemoration of the anniversary of the conclusion of "Operation Storm", President Tudjman declared that "we returned Zvonomir's city, the Croatian city of Knin, to the lap of the Croatian motherland, clean as it was in Zvonomir's time".

24. While the number of Croatian Serbs in the former Sectors has remained low, the area has continued to see a major influx of displaced Croats returning from elsewhere in the country, as well as a large resettlement of Croat refugees from Bosnia and Herzegovina and the Federal Republic of Yugoslavia who had been living in Croatian refugee camps and shelters. As noted in my last report, as of 10 June 1996, a total of 36,766 displaced persons from Croatia had been registered as returnees in former Sectors North, South and West, while some 14,000 refugees had also received temporary accommodation there. More Croat refugees are moving into the area every day. Some reports indicate that some of these refugees, while entitled to shelter, are creating security problems, including involvement in looting. At the same time, it should be noted that some Croat refugees and displaced persons have themselves been victims of crimes.

25. Earlier this year, the Government of Croatia linked the question of a large-scale return of Croatian Serb refugees to a global agreement to be reached with the Federal Republic of Yugoslavia in the context of overall normalization of relations. In this regard, it is important to note the accord reached on 7 August 1996 in Greece between the Presidents of Croatia and Serbia, consenting to the establishment of diplomatic relations by the end of August 1996. Earlier this summer it had been agreed to confer consular status to the liaison offices in Zagreb and Belgrade.

26. The use of properties abandoned by Croatian Serbs during last summer's exodus has been one of the most contentious issues in the past several months. According to the Law on Temporary Take-Over and Administration of Property, adopted by the Government in late 1995, abandoned homes may be given over temporarily to refugees and displaced persons. This process is administered by local property commissions, which are reported to vary greatly in their effectiveness at safeguarding property rights. Numerous reports by returning Croatian Serbs indicate they have been unable to regain possession of their homes from their temporary occupants, and in some cases had been obliged to take shelter with neighbours. This remains a serious problem, particularly in the areas of Karlovac, Vojnic, Vrginmost, Ogulin and Plaski.

V. DETENTION AND THE AMNESTY QUESTION

27. As noted in my last report, as of 1 June 1996, the number of Croatian Serbs remaining in detention following last summer's military operations was some 200. On 1 August 1996, the ICRC reported that this number remained essentially unchanged.

28. Concerning the broader question of a general amnesty for persons who served with the armed forces of the so-called "Republic of Serb Krajina (RSK)", there have been no new developments since my last report. The Croatian Government has not supplemented its amnesty legislation of 17 May 1996, which applied only to Croatian Serbs who fought in the region of the former Sector East, and not to persons who served with the "RSK" in the former Sectors North and South. Concern over the Government's approach to the amnesty question was raised earlier this summer when a list with the names of 811 persons exempted from coverage under the Sector East law because of alleged complicity in war crimes was made public. The Government's publication of this list, which it declared was still incomplete, has caused considerable apprehension among local Serbs, both within and without Croatia.

VI. LEGAL PROTECTION FOR THE SERB POPULATION

29. Since my last report, the Government of Croatia has taken no action to rescind its decision of September 1995 suspending several articles of a special constitutional law affecting the rights of national minorities, principally Serbs. There have also been no new developments in the establishment of a provisional human rights court, which had been called for by the Security Council and recommended by numerous international observers.

30. In its report of 10 June 1996, the Government stated that experts from the Council of Europe, called upon to work with the Government to draft legislation on the provisional court of human rights, had "concluded that the principle upon which the establishing of the provisional court for human rights was founded, no longer had any factual basis, since such a court would represent an obstacle to the jurisdiction of the European Commission for Human Rights and the European Court for Human Rights". Indeed, experts from the Council concluded, in May 1996, that Croatia's pending admission made the provisional court of human rights "not now an apposite or necessary means of protection". 1/ However, the

experts strongly recommended as an alternative "the creation of a body with a partially international composition integrated into the Croatian domestic legal order", and raised the possibility of allowing the Constitutional Court to sit as an enlarged body in circumstances where it is seized of questions concerning minority rights. 2/ This recommendation is still to be considered.

31. With reference to suspension of articles of the special constitutional law affecting national minorities, the Council's experts expressed concern at "the discouraging psychological effect that the suspension would certainly have on minorities and displaced populations which would like to remain in or return to Croatia". The experts said that the law's altered text "cannot be said to constitute an adequate response to the new situation", and recommended a number of revisions to the suspended provisions of the law to provide for greater protection of minority rights. 3/

32. It should be noted that Croatia's application for admission to the Council of Europe is now pending before the Committee of Ministers of the European Union, following the Parliamentary Assembly's vote on 24 April 1996 in favour of Croatia's application. A final decision was postponed, subject to Croatia's fulfilment of certain conditions, including improvement of conditions for the return of refugees, progress on protection of minorities and cooperation with the International Tribunal for the Former Yugoslavia.

33. The Government indicated that it is proceeding with other initiatives for the protection and promotion of human rights. It has established a High Commission for Equality and a High Commission for Human Rights Education, both at the ministerial level. In its report of 10 June 1996, the Government further indicated its intention to establish local bodies for human rights coordination in the 20 counties throughout the country which would pay special heed to coordination with Croatian non-governmental organizations. The Government also advised that it is setting up human rights counselling centres throughout the country's court system.

34. The vacancy since last April in the office of the Ombudsman, intended by law to be an independent guarantor of human rights, was filled on 28 June 1996 with the appointment of Mr. Ante Klaric. The Government stated its plans to strengthen the Ombudsman's office by increasing the number of deputies from 3 to 20, permitting it to be represented in every county in the country.

35. In its communications with the Secretary-General and the United Nations High Commissioner for Human Rights, the Government has emphasized its continuing cooperation with numerous international mechanisms, including the Special Rapporteur of the Commission on Human Rights as well as various treaty bodies connected to international instruments to which Croatia is a State party. As I noted in my last report, Croatia has also approved a long-term Organization for Security and Cooperation in Europe (OSCE) human rights monitoring mission in the country, and it has formally requested technical assistance from the Office of the United Nations High Commissioner for Human Rights.

VII. COOPERATION WITH THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

36. The International Tribunal for the Former Yugoslavia has advised me that the cooperation it has received from the Government of Croatia remains largely as described in my last report. The Prosecutor continues to have regular contact with the Croatian authorities and to maintain a liaison office in Zagreb. There is continuing concern, however, over Croatia's failure to execute arrest warrants in respect of prominent accused persons known or believed to be in areas under its control. It was reported, for example, in July 1996 that Mr. Dario Kordic, a former top officer in the Croatian Defense Forces (HVO) of the so-called "Republic of Herzeg-Bosna" in Bosnia and Herzegovina, who has been indicted for alleged involvement in the killing of Bosniak civilians in the Lasva Valley in that country in 1993, maintains a home in Zagreb which he visits regularly. He attended a concert in Medjugorje, Bosnia and Herzegovina, in July 1996, at which he sat only a few seats away from the President of Croatia. As of 10 August 1996, Croatia had delivered one indicted suspect to the International Tribunal who had voluntarily surrendered to authorities. Another suspect was being held in a Croatian prison pursuant to an indictment by the International Tribunal.

37. The Government has dismantled its War Crimes Commission, which was the principal channel through which information on crimes was transmitted to the International Tribunal. The task of cooperation with the International Tribunal has now been entrusted to a Government panel, including among its members the Ministers for Defense and Foreign Affairs.

38. The International Tribunal reports that the first phase of its examination of cases arising out of "Operation Storm" has been carried out successfully, and the liaison office in Zagreb has received good practical cooperation at the police level in Croatia.

39. It may be noted that Croatia's implementing legislation for cooperation with the International Tribunal retains a great deal of control of communications and decision-making in the hands of Croatian political and judicial authorities. It is too early yet to assess the impact such measures will have on overall cooperation, since they are capable of serving either to enhance or restrict it.

VIII. OTHER ISSUES

40. In my last report, I noted developments concerning the Kupljensko refugee camp, located in the area of the former Sector North in Croatia. As of 10 June 1996, the camp was sheltering, in difficult conditions, nearly 3,000 Bosniak refugees from the nearby region of Velika Kladusa in Bosnia and Herzegovina. In a positive development, the makeshift Kupljensko camp was closed on 1 August 1996. Most of the camp's residents were transferred in July to the Government's Gasinci refugee facility in eastern Croatia, while several hundred more were relocated to the island of Obonjan. Several hundred long-time Kupljensko residents have reportedly been cleared for admission to third countries, including Canada and the United States of America.

41. The fate of the remaining Velika Kladusa refugees in Croatia remains uncertain, since many express continuing fear of returning to Bosnia and Herzegovina. Indeed, reports indicate that the situation in Velika Kladusa remains insecure, with attacks against returning refugees still a common occurrence. For the time being, the refugees are sheltered in better conditions than those which had been prevalent at Kupljensko. However, their humanitarian needs and the ultimate resolution of their refugee claims will continue to require close attention from the Government of Croatia.

IX. OBSERVATIONS

42. A prevailing climate of lawlessness causing great fear among local residents persists in the former Sectors North, South and West, particularly in the area around Knin. It is evident that the Government still has not taken adequate measures to provide an effective police presence in the region. Looting and intimidation remain widespread. Since my last report, the situation has been aggravated by several bombing attacks against members of the local Croatian Serb population and by harassment of non-governmental human rights organizations. It is evident that the Croatian Serbs do not feel that the existing security conditions are conducive to their return.

43. Concerning the investigation and prosecution of past violations of international humanitarian law and human rights against the local Serb population, much progress remains to be made by the Croatian authorities. At the international level, the International Tribunal for the former Yugoslavia indicates that it is receiving satisfactory cooperation from Croatian police authorities for its own investigation of crimes which followed last summer's military operations in the former Sectors. The International Tribunal is concerned, however, that the Croatian authorities have not executed arrest warrants transmitted to them relating to prominent accused persons known or believed to be in areas under their control.

44. The Government has now authorized the return to Croatia of more than 9,000 Croatian Serbs. However, reports indicate that fewer than a quarter of these individuals have returned to the former Sectors North, South and West, and there are still as many as 10,000 refugees who have already notified the authorities of their wish to return. The process of the return of Croatian Serbs is thus moving slowly. Meanwhile, tens of thousands of Croats, both displaced persons and refugees, are settling in the region. While these persons have a legitimate right to a decent home, the manner in which the Croatian Government has been approaching this question is having a profound impact on the region's ethnic balance, transforming the population from being predominantly Serb to one that is largely Croat.

45. The question of property requires particular attention from the Croatian authorities. Largely owing to a lack of cooperation from local officials, some returning Croatian Serbs have been unable to regain possession of their homes, which are occupied by Croat refugees from elsewhere in the former Yugoslavia. Croatia should also take other measures to facilitate the return of Croatian Serbs, including improving the processes for issuing identity documents and providing access to social benefits such as reconstruction assistance and

pensions. Strong measures should be taken against widespread employment discrimination on the basis of ethnic origin.

46. Continuing areas of concern in Croatia include the Government's reluctance to enact a broad amnesty for former soldiers of the so-called "Republic of Serb Krajina" and its failure to re-enact or provide a meaningful replacement for suspended constitutional provisions for the protection and promotion of minority rights in Croatia. While some positive steps have been taken such as the establishment of various government bodies to promote human rights and reinforced cooperation with international human rights mechanisms, the overall approach of the Government to the rights of Croatian Serbs in Croatia has so far failed to encourage confidence within the Serb population.

Notes

1/ European Commission for Democracy through Law, Report on the Implementation of the Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic Communities and Minorities in the Republic of Croatia (Venice, 17-18 May 1996), para. 30.

2/ Ibid., paras. 32-34.

3/ Ibid., paras. 9-11.